

IN THE UNITED STATES COURT OF FEDERAL CLAIMS

OFFICE OF SPECIAL MASTERS

DAVID WIED,

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Petitioner,

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No. 01-505V

v.

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Special Master Christian J. Moran

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SECRETARY OF HEALTH
AND HUMAN SERVICES,

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Filed: July 3, 2007

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Respondent.

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ATTORNEYS' FEES AND COSTS DECISION¹

Petitioner, David Wied, filed an Application for Fees and Costs on May 23, 2007. In his application, Mr. Wied sought compensation for time spent by two firms - Maglio, Christopher & Toale and Shoemaker & Associates - for their work on his petition, which was supported by his counsels' fee statements. Additionally, petitioner filed a statement of costs in compliance with General Order No. 9, stating that he alone has incurred **\$71.98** in litigation costs.

In his application, Mr. Wied requested **\$11,895.00** for attorney's fees and **\$1,321.31** in costs for the Maglio, Christopher & Toale law firm. He also requested **\$18,806.65** for attorney's fees and **\$1,797.37** in costs for Shoemaker & Associates.

On July 2, 2007, respondent filed a joint status report regarding the application for fees and costs. In the status report, respondent stated that it had consulted with petitioner and they came to an agreement to reduce the demand to **\$11,895.00** for fees and **\$992.97** in costs, for a total of **\$12,887.87** for the Maglio, Christopher & Toale law firm. They also agreed to reduce the demand to a total of **\$18,500** for both attorney's fees and costs for Shoemaker & Associates.

After reviewing the request, the court awards **\$31,459.85** in attorney's fees and other litigation costs, of which, **\$12,887.87** shall be made payable jointly to petitioner and the law firm

¹ The undersigned intends to post this decision on the United States Court of Federal Claims's website, in accordance with the E-Government Act of 2002, Pub. L. No. 107-347, 116 Stat. 2899, 2913 (Dec. 17, 2002). As provided by Vaccine Rule 18(b), each party has 14 days within which to request redaction "of any information furnished by that party (1) that is trade secret or commercial or financial information and is privileged or confidential, or (2) that are medical files and similar files the disclosure of which would constitute a clearly unwarranted invasion of privacy." Vaccine Rule 18(b). Otherwise, "the entire" decision will be available to the public. Id.

of Maglio, Christopher & Toale; **\$18,500.00** shall be made payable jointly to petitioner and the law firm of Shoemaker & Associates; and **\$71.98** shall be made payable solely to petitioner. The court thanks the parties for their cooperative efforts in resolving this matter. The Clerk shall enter judgment accordingly.²

IT IS SO ORDERED.

S/ Christian J. Moran

Christian J. Moran
Special Master

² Pursuant to Vaccine Rule 11(a), the parties can expedite entry of judgment by each party filing a notice renouncing the right to seek review by a United States Court of Federal Claims judge.